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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

CASE NO. C O5-03649 JW

[PROPOSED] ORDER REGARDING PLAINTIFFS' ADMINISTRATIVE MOTION PURSUANT TO CIV. L.R. 79-5(d) TO FILE UNDER SEAL PORTIONS OF DOCUMENTS

Date: June 11, 2007
Time: 9:00 a.m.
Dept.: Courtroom 8
Judge: Honorable James Ware

Dockets.Justia.com

ORDER

The Court finds, having considered Plaintiffs CLRB Hanson Industries, LLC, d/b/a Industrial Printing, and Howard Stern's Administrative Motion Pursuant to Civ. L.R. 79-5(d) To File Under Seal Portions Of Documents Due To Confidentiality Designations By Defendant Google Inc. ("Plaintiffs' Motion to Seal Documents"), the Declaration of M. Christopher Jhang In Response To Plaintiffs' Motion to Seal Documents, and the papers submitted therewith and arguments raised therein, and good cause appearing:

1. That the redacted version of Plaintiffs' Supplemental Memorandum In Support Of Plaintiffs' Motion For Partial Summary Judgment ("Plaintiffs' Supplemental Memorandum"), which will be made a part of the public record, failed to redact the complete sentence on page 1, lines 14-17, and the complete sentences on page 5, lines 22-23, in accordance with Google's confidential designations;

2. That the redacted version of the Supplemental Declaration of Michele F. Raphael ("Supplemental Raphael Declaration"), which will be made a part of the public record, failed to redact Exhibit B, page 51, lines 1-4, and Exhibit B, page 69, lines 8-25, in accordance with Google's confidential designations;

3. That the redacted version of Plaintiffs' Supplemental Memorandum, beginning on page 8, line 23, and ending on page 9, line 3, redacted a reference to deposition testimony that was not designated confidential by Google;

4. That aside from the exceptions stated above, the remaining redactions (i.e., sealing as confidential documents) requested in Plaintiffs' Motion to Seal Documents, in connection with Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration, are consistent with Google's confidentiality designations; and

5. That Google has demonstrated that Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration are subject to seal in accordance with its confidential

designations because of overriding confidentiality interests that overcome the right of public access to the record in these documents.

IT IS THEREFORE ORDERED:

1. That Plaintiffs must immediately re-lodge with the Clerk of the Court for filing in the public record redacted versions of Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration in accordance with the Court findings above; and

2. That upon the re-lodging of redacted versions of Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration, Plaintiffs' Motion to Seal Documents is GRANTED.

IT IS SO ORDERED.

DATED: ____________________ ____

The Honorable James Ware
United States District Judge